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7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**
 9 **SAN JOSE DIVISION**

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 MICHAEL KAIL,
 15 Defendant.

Case No. 18 CR 172 BLF [NC]

**DEFENDANT'S APPLICATION FOR
 ORDER PERMITTING
 MODIFICATION OF RELEASE
 CONDITIONS; ORDER**

16
 17 I, Julia Jayne, declare:

18 1. I represented Defendant Michael Kail in the above-entitled matter. He is currently released
 19 on a \$200,000 secured bond with travel restricted to the Northern District of California. Mr. Kail
 20 remains released on bond pending the outcome of his appeal to the Ninth Circuit. The purpose of
 21 this application is to request that Mr. Kail be allowed to travel to Barcelona, Spain for a work
 22 conference on approximately November 5 – November 11, 2023. In his full-time role as CTO, he
 23 has been asked to attend VMware's Explore conference in Barcelona. He would travel with his
 24 CEO and his family would remain in the Bay Area.

25 2. Additionally, Mr. Kail requests that his passport be returned to him immediately so that he
 26 may renew his passport. Instructions for passport renewal indicate that one's old passport must be
 27 mailed in. Mr. Kail would return the new passport to pretrial services should it arrive prior to the

1 week before his anticipated travel dates.

2 3. Assistant United States Attorney Colin Sampson does not object to this request.

3 4. United States Pretrial Officer Brad Wilson has been provided with Mr. Kail's travel
4 request, and Officer Wilson does not object to this request. Mr. Wilson is in possession of Mr.
5 Kail's passport and therefore, it is requested that he release it to Mr. Kail immediately for the
6 purposes of renewal and then again, in advance of the travel dates. Mr. Kail would then re-
7 surrender the passport to Mr. Wilson within 48 hours of his return.

8 5. Based on the foregoing, I respectfully request that the conditions of Mr. Kail's release be
9 modified so that he may be permitted to travel to and from Barcelona, Spain from November 5-11,
10 2023. All other conditions of Mr. Kail's release shall remain the same.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct.

13 DATED: August 8, 2023

14 _____ /s/
15 JULIA JAYNE
Attorney for Michael Kail

17 ORDER

18 Based on the foregoing, and good cause appearing:

19 **IT IS HEREBY ORDERED** that the conditions of Defendant Michael Kail's release shall
20 be modified as follows:

21 Mr. Kail is permitted to travel to and from Barcelona, Spain from November 5-11, 2023.
22 Pretrial Officer Bradley Wilson may release Mr. Kail's passport to him immediately for the
23 purpose of passport renewal and then again, prior to travel. Within 48 hours of his return, Mr. Kail
24 must re-surrender his passport to Mr. Wilson. All other terms and conditions of Mr. Kail's release
25 shall remain the same.

1 DATED: August 9, 2023



HONORABLE MAG. SUSAN VAN KEULEN
United States Magistrate Court Judge

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